

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

N.S., o/b/o W.F.,

Petitioner,

Case No: 1:23-cv-448

v.

Hon. Paul L. Maloney

STURGIS PUBLIC SCHOOLS,

Respondent.

**AMENDED JOINT STIPULATION AND ORDER
TO SEAL ADMINISTRATIVE RECORD**

Plaintiff N.S. and Defendant Sturgis Public Schools (the “District”), by their undersigned counsel, submit this amended stipulated order sealing the administrative record. This document is being filed as the prior Stipulation and Order filed on December 9, 2024 (ECF No. 31) and entered by this Court on December 10, 2024 (ECF No. 32) inadvertently omitted some of the documents included in the full administrative record from the document list in paragraph 2. The document list has been updated to include all documents included in the administrative record. In addition, a portion of the last sentence of this document has been edited to reflect the Court’s modification of this Order.

It is hereby stipulated, subject to approval of the Court, that the administrative record be sealed pursuant to LCivR 10.6 for the foregoing reasons:

1. Plaintiff W.F. is a minor who has brought this case, through his mother Plaintiff N.S., to appeal the state Administrative Law Judge’s (ALJ) decision that, among other things, the District failed to provide him with a free appropriate public education as required under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400, *et seq.*

2. Plaintiff seeks to file the administrative record with this Court under seal. The

administrative record contains the documents and audio recordings relied upon by the ALJ in ruling on this matter. Those documents are:

- i. Due Process Complaint;
- ii. Model Due Process Complaint and Request for Hearing;
- iii. Answer to Due Process Complaint;
- iv. Petitioner's Exhibit 23 (P23) – Individualized Education Program (IEPT) Team Report, April 17, 2019;
- v. P37 – REED, January 20, 2020;
- vi. P38 – Letter from Dr. Woodruff, January 23, 2020;
- vii. P39 – Multidisciplinary Evaluation Team (MET) Report, March 11, 2020;
- viii. P40 - Individualized Education Program (IEPT) Team Report, April 6, 2020;
- ix. P44 – Text Messages Between Petitioner and Ms. Richardson;
- x. P46 – Emails Between Petitioner and District Staff, February 2021;
- xi. P47 – Emails Between Petitioner and District Staff, March 2021;
- xii. P48 – Emails Between Petitioner and District Staff, April 2021;
- xiii. P49 - Individualized Education Program (IEPT) Team Report, April 14, 2021;
- xiv. P50 – Emails Between Petitioner and District Staff, April 14, 2021;
- xv. P52 – Text Messages Between Petitioner and Ms. Richardson, August 2021;
- xvi. P53 - Text Messages Between Petitioner and Ms. Richardson, September 2021;
- xvii. P55 - Text Messages Between Petitioner and Ms. Richardson, October 2021;
- xviii. P56 - Text Messages Between Petitioner and Ms. Richardson, November 2021;
- xix. P57 – Manifestation Determination Review (MDR), November 9, 2021;

- xx. P58 – Attendance Log, November 19, 2021;
- xxi. P61 – Emails Between Petitioner and District Staff, December 2021;
- xxii. P64 – Notice of Truancy Conference with Family Court, December 3, 2021;
- xxiii. P65 – Petitioner’s Notes from the MDR, December 6, 2021;
- xxiv. P66 – Manifestation Determination Review (MDR), December 6, 2021;
- xxv. P68 – School-Based Therapist Referral, December 13, 2021;
- xxvi. P71 – Emails Between Petitioner and District Staff, January 2022;
- xxvii. P73 – Text Messages Between Petitioner and District Staff, January 2022;
- xxviii. P75 – Behavior Plan, January 5, 2022;
- xxix. P77- Behavior Plan, January 9, 2022;
- xxx. P79 – Behavior Log, January 18, 2022;
- xxxi. P81 – Petitioner’s Notes from an IEP Meeting, January 20, 2022;
- xxxii. P82 – IEP Progress Report, January 20, 2022;
- xxxiii. P83 – Individualized Education Program (IEPT) Team Report, January 20, 2020;
- xxxiv. P84 – Map Growth Winter 2022 Family Report, January 20, 2022;
- xxxv. P89 – Independent Comprehensive Psychoeducational Evaluation, September 21, 2022;
- xxxvi. P91 – Independent Functional Behavior Assessment, September 28, 2022;
- xxxvii. P93 – Independent Behavior Support Plan, October 3, 2022;
- xxxviii. P95 – Review by David Bateman, Ph.D., of Student’s Evaluation/IEP/FBA, October 10, 2022;
- xxxix. Respondents’ Exhibit A (R-A) – REED, January 20, 2020;
- xl. R-B – Behavior Plan, March 2, 2020;

- xli. R-C – MET Report, March 11, 2020;
- xl.ii. R-D – IEP, April 16, 2020;
- xl.iii. R-E – IEP, October 13, 2020;
- xl.iv. R-F – IEP, October 21, 2020;
- xl.v. R-G – IEP, April 14, 2021;
- xl.vi. R-H – REED, April 16, 2021;
- xl.vii. R-I – MDR, November 9, 2021;
- xl.viii. R-J – MDR, December 6, 2021;
- xl.ix. R-K – Behavior Plan, January 9, 2022;
 - l. R-L – Contingency Learning Plan, February 1, 2022;
 - li. R-N – Discipline Log, 2018-2022;
 - lii. R-R – Attendance, 2021-2022;
 - liii. Decision and Order;
 - liv. Appearance and Notice of Appearance April 18, 2022;
 - lv. Appearance and Notice of Appearance October 11, 2022;
 - lvi. Emails between Elizabeth Abdnour, Jacquelyn Babinski, Erin Walz, MOAHR-GA, Michele Eaddy, Carrie Watts;
 - lvii. Special Ed Connection Case Report (EX 1);
 - lviii. Letter from St. Joseph County ISD December 15, 2022 (EX 2);
 - lix. Invoice for Behavior Support Plan Write Up October 3, 2022 (EX 3);
 - lx. R-M – 2021-2022 Daily Interactions;
 - lxi. R-O – Behavior Support Plan, May 11, 2022;
 - lxii. R-P – Communication Log, December 2019;
 - lxiii. R-Q – Attendance Records, 2019-2021;

- lxiv. General Description of the Special Education Hearings Process;
- lxv. Hearing Volume I October 17, 2022;
- lxvi. Hearing Volume II October 18, 2022;
- lxvii. Hearing Volume III October 19, 2022;
- lxviii. Joint Motion to Extend Filing Deadline for Closing Briefs and Waive Response Briefs;
- lxix. Letter from MI Dept. of Licensing and Regulatory Affairs April 18, 2022;
- lxx. Michigan Office of Administrative Hearings and Rules Request for Hearing;
- lxxi. Order Establishing Briefing Schedule and Extending Hearing Deadline;
- lxxii. Order Following Prehearing Conference and Notice of Hearing;
- lxxiii. Order Granting Adjournment of Hearing and Order Scheduling Telephone Prehearing Conference;
- lxxiv. Order Granting Joint Motion to Extend Filing Deadline for Closing Briefs and Waive Response Briefs;
- lxxv. Order Regarding Timelines;
- lxxvi. Order Scheduling Prehearing Conference;
- lxxvii. Petitioner's Closing Brief;
- lxxviii. Petitioner's Exhibit List;
- lxxix. Petitioner's Witness List;
- lxxx. Respondent Sturgis Public Schools' Witness and Exhibit List;
- lxxxi. Respondent's Closing Brief;
- lxxxii. Respondent's Proposed Stipulated Facts;
- lxxxiii. Stipulated Motion for Adjournment of Hearing Dates and All Attendant Dates.

3. The administrative record contains specific details about the minor Plaintiff's

disabilities, education performance, and other sensitive information. Plaintiff W.F. has a significant interest in protecting the privacy of these details while the public has very little interest in knowing them.

4. Redacting the records would not be an appropriate alternative because redaction of the minor Plaintiff W.F.'s records would require redaction of educational and medical records necessary for disposition of this case. Additionally, the administrative record is more than 1200 pages long. Thus, Plaintiff N.S., who is low-income, would be required to expend substantial costs and time redacting the records.

The parties stipulate and agree to seal the administrative record for the duration that this matter is active on the docket of this Court and any appeals thereafter.

IT IS SO STIPULATED on December 12, 2024.

Respectfully submitted,

/s/ Elizabeth K. Abdnour

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IT IS SO ORDERED.

U.S. District Court Judge

Dated: _____

CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2024, I electronically filed the foregoing document with the Clerk of Court using the Court's ECF system, which will send notification of such filing to all counsel of record.

/s/ Elizabeth K. Abdnour
Elizabeth K. Abdnour